

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Kevin Manke, et al.
Filed: Herewith
Entitled: OPEN HOLE FORMATION TESTING
Group Art Unit: 2856
Examiner: J. Wiggins

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As listed on the accompanying form PTO-SB-08, the Applicants hereby call the examiner's attention to the following information of which they are aware, in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56. Copies of the listed references are enclosed with this Information Disclosure Statement.

U.S. Patents:

6,328,103	6,325,146	3,743,014	3,762,219	4,878,538	5,332,035
5,826,662	5,097,902	5,791,414	5,887,652	2,013,995	2,702,474
3,412,607	3,611,799	4,046,006	4,392,377	4,458,245	4,635,717
5,065,619	5,808,192	6,058,772	6,062,073	3,981,188	5,353,637

Foreign Patent Documents:

EP 0896126 EP 0295922 WO 00/58604 ✓

Search Report for Application No. EP 02253566

This Information Disclosure Statement is being filed under the provisions of 37 CFR §1.97(b)(3), which provides for the timely filing of an Information Disclosure Statement before the mailing of a first Office Action on the merits.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Further, the filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Written notification that the enclosed documents have been considered in their entirety, by return of a copy of the enclosed form completed by the examiner, is respectfully requested.

Respectfully submitted,

KONNEKER & SMITH, P.C.



Marlin R. Smith
Attorney for Applicants
Registration No. 38,310

Dated: *June 19, 2003*

660 North Central Expressway
Suite 230
Plano, Texas 75074
(972) 516-0030

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

Mailing Label No. EY 341130771 US

on June 23, 2003

Charity Fair

10

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	UNASSIGNED
				Filing Date	HEREWITH
				First Named Inventor	KEVIN MANKE
				Group Art Unit	UNASSIGNED
				Examiner Name	UNASSIGNED
				Attorney Docket Number	2001-IP-004117U1D1USA
Sheet	2	of	3		

[illegible][illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

+

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	UNASSIGNED
				Filing Date	HEREWITH
				First Named Inventor	KEVIN MANKE
				Group Art Unit	UNASSIGNED
				Examiner Name	UNASSIGNED
				Attorney Docket Number	2000-IP-004117U1D1USA
Sheet	3	of	3		

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	WO 00 58604 A (DIRDAL ROLF ;SELF JOHN C (NO); NORSKE STATS OLJESELSKAP (NO)) 5 October 2000 (2000-10-05) * page 2, line 14 - page 6, line 21; figures 2,4 *	1-5	E21B49/08
A	* the whole document *	6,8	
X	US 3 743 014 A (JESSUP R) 3 July 1973 (1973-07-03) * column 6, line 61 - column 10, line 22; figures 2,2A,5A,6A *	1,2	
A	* column 1, line 8 - column 6, line 23 *	3-6	
X	EP 0 896 126 A (HALLIBURTON ENERGY SERV INC) 10 February 1999 (1999-02-10) * column 7, line 13 - column 8, line 22; figure 1 *	8,9	
A	US 3 762 219 A (JESSUP R) 2 October 1973 (1973-10-02) * the whole document *	1,6	E21B
A	US 4 878 538 A (CHRISTENSEN JON B) 7 November 1989 (1989-11-07) * column 2, line 20 - column 2, line 62 *	1,6,8	
A	EP 0 295 922 A (HALLIBURTON CO) 21 December 1988 (1988-12-21) * column 3, line 50 - column 4, line 7 *	10	
The present search report has been drawn up for all claims			
Place of search		Date of completion of the search	Examiner
MUNICH		18 July 2002	Morrish, S

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons
& : member of the same patent family, corresponding document



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. Claims: 1-5

A system for performing a test on a formation intersected by a wellbore, the system comprising a fluid barrier reciprocably displaceable within an apparatus into which fluid from the formation is flowed and a valve being operated in response to displacement of the barrier.

2. Claims: 6-7

A system for performing a test on a formation intersected by a wellbore, the system comprising at least one packer, a fluid barrier reciprocably displaceable within the apparatus and a module interconnected to the packer which alternately permits and prevents setting and unsetting of the packer.

3. Claims: 8-10

A system for performing a test on a formation intersected by a wellbore, the system comprising an apparatus including at least one waste chamber and at least one packer configured for isolating the formation.



CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☒ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☐ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 25 3566

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

18-07-2002

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0058604	A	05-10-2000	NO	991577 A	02-10-2000
			AU	3577800 A	16-10-2000
			BR	0009509 A	19-02-2002
			EP	1194679 A1	10-04-2002
			WO	0058604 A1	05-10-2000

US 3743014	A	03-07-1973	NONE		

EP 0896126	A	10-02-1999	US	5887652 A	30-03-1999
			AU	7867798 A	11-02-1999
			EP	0896126 A2	10-02-1999
			NO	983470 A	05-02-1999

US 3762219	A	02-10-1973	NONE		

US 4878538	A	07-11-1989	AU	601591 B2	13-09-1990
			AU	1733388 A	22-12-1988
			CA	1289464 A1	24-09-1991
			DE	3884677 D1	11-11-1993
			DE	3884677 T2	03-02-1994
			EP	0295922 A2	21-12-1988
			NO	882693 A	20-12-1988
			SG	121093 G	21-01-1994

EP 0295922	A	21-12-1988	AU	601591 B2	13-09-1990
			AU	1733388 A	22-12-1988
			CA	1289464 A1	24-09-1991
			DE	3884677 D1	11-11-1993
			DE	3884677 T2	03-02-1994
			EP	0295922 A2	21-12-1988
			NO	882693 A	20-12-1988
			SG	121093 G	21-01-1994
			US	4878538 A	07-11-1989
